

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

IN RE:	*	CASE NO.: 11-55323-WLH
	*	
VENESSA DELORIS HARRIS,	*	
aka VENESSA GRAYSON HARRIS,	*	CHAPTER: 13
aka VENESSA DELORIS GRAYSON,	*	
	*	
	*	
<u>DEBTOR.</u>	*	

**MOTION TO ALLOW COMPROMISE OF CLAIM AND APPLICATION FOR  
COMPENSATION OF SPECIAL COUNSEL AND TO ALLOW RETENTION OF  
PROCEEDS**

COMES NOW Debtor, Venessa Harris, and in accordance with the provisions of 11 U.S.C. 327, moves this Court for an order approving a settlement of claims by Venessa Harris for her auto accident, for her attorney, Adam J. Klein, Esq., and the disbursal of the settlement proceeds as set forth herein, and in support thereof shows this Court as follows:

1.

This case commenced by the filing of a voluntary petition in Bankruptcy for relief under Chapter 13 of the United States Bankruptcy Code on February 23, 2011.

2.

Debtor was injured in an auto accident.

3.

Adam J. Klein, Esq. was retained by Debtor to represent her on a contingency fee basis for a sum of equal to 33 1/3% of any recovery which might be received in settlement of her claim. A copy of the fee contract has already been provided to this Court as as attachment to Debtor's Application to Employ Special Counsel (Doc. No. 58).

4.

On November 22, 2013, this Court entered an Order appointing Adam J. Klein, Esq. as special counsel to represent the Debtor with regard to her auto accident claim (Doc. No. 61).

5.

The insurer had made a final offer of \$10,250.00 to settle Debtor's claim. Debtor and Special Counsel believe this is a fair, reasonable and just compromise, and believe it is doubtful that an amount could be recovered in excess of the amount offered if suit were to be filed.

6.

Debtor now seeks approval of said settlement by this Court, along with the approval and authorization of a disbursement of the settlement proceeds as follows:

(A) Total Amount of settlement:	\$10,250.00
(B) Attorney fees to Adam J. Klein, Esq.	\$3,888.05
(1) Attorney Costs	\$300.00
(C) Medical Expenses	
(1) Metro Ambulance	\$678.30
(2) Wellstar Kennestone	\$2,614.60
(3) ER Services	\$38.25
(4) ER Doctors	\$683.40
(5) Radiology	\$122.40
(6) Absolute Chiropractic & Wellness	\$925.00
(D) Net to Debtor	\$1,000.00

7.

Special Counsel for Debtor has performed various services to accomplish receipt of said offer including ongoing client contact, monitoring of client's medical care and obtaining complete records and bills from all medical providers, discussions with Debtor regarding her injuries, and arguing and negotiating on Debtor's behalf for a fair and reasonable settlement.

8.

The Debtor shows that the compromise of the claim and the fees requested by Special Counsel for her work on the case were fair and equitable and respectfully requests that this Court approve the compromise of claim and retention of settlement proceeds.

9.

The Debtor seeks to retain the net proceeds to purchase a replacement vehicle for the one damaged in the accident which has not been running well.

W H E R E F O R E, Debtor prays:

- (a) That this "Motion to Allow Compromise of Claim and Application for Compensation of Special Counsel and to Allow Retention of Proceeds" be filed, read, and considered;
- (b) That this Honorable Court grant this "Motion to Allow Compromise of Claim and Application for Compensation of Special Counsel and to Allow Retention of Proceeds;" and
- (c) That this Honorable Court grant such other and further relief as it may deem just and proper.

Respectfully submitted,

By: /s/  
Jason B Lutz  
Attorney for the Debtor  
GA Bar No. 670673

Clark & Washington, PC  
3300 Northeast Expressway  
Building 3  
Atlanta, GA 30341  
(404)522-2222

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VENESSA DELORIS HARRIS,	*
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aka VENESSA DELORIS GRAYSON,	*
	*
	*
<u>DEBTOR.</u>	*

**NOTICE OF HEARING ON MOTION TO ALLOW COMPROMISE OF CLAIM**

**PLEASE TAKE NOTICE** that the Debtor in the above-referenced matter filed a “Motion” seeking to have the Court allow compromise of claim.

**PLEASE TAKE FURTHER NOTICE** that the Court will hold a hearing on the matter in Courtroom 1403, US Courthouse, 75 Spring Street, SW, Atlanta, GA 30303 at 9:30 AM, on October 8, 2014.

Your rights may be affected by the court’s ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the court to grant the relief sought in these pleadings or if you want the court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk at least two business days before the hearing. The address of the Clerk’s Office is Clerk, US Courthouse, 75 Spring Street, SW, Atlanta, GA 30303. You must also mail a copy of your response to the undersigned at the address stated below.

Respectfully submitted,

Clark & Washington, PC  
3300 Northeast Expressway  
Building 3  
Atlanta, GA 30341

By: /s/  
Jason B Lutz  
Attorney for the Debtor  
GA Bar No. 670673

### **CERTIFICATE OF SERVICE**

I certify that I served the Debtor with a true and correct copy of the within the and foregoing “Notice of Hearing on Motion to Allow Compromise of Claim and Application For Compensation of Special Counsel and To Allow Retention of Proceeds” and “Motion to Allow Compromise of Claim and Application For Compensation of Special Counsel and To Allow Retention of Proceeds” by placing the same in the United States Mail with adequate postage affixed to ensure delivery and addressed as follows:

Venessa Deloris Harris  
1078 Brentwood Way  
Apartment F  
Atlanta, GA 30350

I further certify that, by agreement of the parties, Nancy Whaley - Chapter 13 Trustee, Standing Chapter 13 Trustee, was served via the ECF electronic mail/noticing system.

And, in the same manner I served the parties listed in the attached matrix with the “Notice of Hearing on Motion to Allow Compromise of Claim and Application For Compensation of Special Counsel and To Allow Retention of Proceeds” at the addresses indicated therein,

Dated:09/10/2014

/s/

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Jason B Lutz  
GA Bar No. 670673  
Attorney for Debtor

Clark & Washington, PC  
3300 Northeast Expressway  
Building 3  
Atlanta, GA 30341  
(404)522-2222

ECMC  
PO Box 16408  
St. Paul, MN 55116-0408

National Capital Management, LLC  
PO Box 12786  
Norfolk, VA 23541-0786

PRA Receivables Management, LLC  
POB 41067  
NORFOLK, VA 23541-1067

Associates in Laboratory Medic  
c/o SCA Collections  
P.O. Box 876  
Greenville, NC 27835-0876

Citibank/Shell  
P.O. Box 6497  
Sioux Falls, SD 57117-6497

Dept of Education  
FedLoan Servicing  
P.O. Box 69184  
Harrisburg, PA 17106-9184

ECMC  
P.O. Box 16408  
St. Paul, MN 55116-0408

FedLoan Servicing  
P.O. Box 69184  
Harrisburg, PA 17106-9184

GE/JC Penney  
P.O. Box 981131  
El Paso, TX 79998-1131

GEORGIA DEPARTMENT OF  
REVENUE  
1800 CENTURY BLVD NE  
SUITE 9100  
ATLANTA GA 30345-3202

Hamilton Medical Center  
c/o N. GA Regional Collection  
224 N. Hamilton Street  
Dalton, GA 30720-4214

Internal Revenue Service  
P. O. Box 7346  
Philadelphia PA 19101-7346

NGRCA  
P O BOX 1949  
DALTON,GA 30722-1949

PRA Receivables Management, LLC  
as agent of  
Portfolio Recovery Associates, LLC  
POB 41067  
Norfolk, VA 23541-1067

Physicians Business Bureau  
PO Box 4052  
Chattanooga, TN 37405-0052

PORTFOLIO RECOVERY  
ASSOCIATES LLC  
PO BOX 41067  
NORFOLK VA 23541-1067

Santander Consumer USA  
P.O. Box 961245  
Fort Worth, TX 76161-0244

Santander Consumer USA  
Po Box 560284  
Dallas, TX 75356-0284

Santander Consumer USA Inc;  
DBA Drive Financial Services  
Ste 1100-N  
Dallas, TX 75247

Sprint Corporation  
c/o Allied Interstate  
3000 Corporate Exchange Drive  
Columbus, OH 43231-7689

T Mobile  
c/o William W. Siegel Assoc.  
7 Penn Plaza  
New York, NY 10001-3967

TN Student Assistance Co  
6420 Southpoint Parkway  
Jacksonville, FL 32216-0946

U. S. Attorney  
600 Richard B. Russell Bldg.  
75 Spring Street, SW  
Atlanta GA 30303-3315

U.S. Department of Education  
P.O. Box 5609  
Greenville, TX 75403-5609

US Dept. of ED - Direct Loans  
P.O. Box 5609  
Greenville, TX 75403-5609

Women's Inst Specialist  
c/o PBB, Inc.  
620 Cherokee Blvd.  
Suite 200  
Chattanooga, TN 37405-3327

World Finance Corp  
P.O. Box 6429  
Greenville, SC 29606-6429

World Finance Corporation  
708 S Glenwood Ave Ste 303  
Dalton, GA 30721-3387

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